

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY GEORGIA**

WILLIAM M. FORD,

Plaintiff

v.

OFFICER COZIE RAY, and OFFICER BOBBY J.
McKINNEY,

Defendants

1:04-CV-42 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge filed on June 8, 2005. (Doc. 28). It is recommended that Defendants' Motion for Summary Judgment (Doc. 21) be granted. No objection has been filed.¹

Upon full review and consideration upon the record, the Court finds that the Report and Recommendation (Doc. 28) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion for Summary Judgment (Doc. 21) is **GRANTED**.

SO ORDERED, this 20th day of June, 2006.

/s/W. Louis Sands
W. LOUIS SANDS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹

The required notice of filing was mailed to Plaintiff at Autry and Dodge State Prisons, where Plaintiff has known to have resided in the past. *See* Docket. Said notice was returned to the Court from both locations because he no longer resides at either. Plaintiff has been advised of his duties to advise the Court of his address change and to prosecute this action, and has subsequently failed to do so. (*See* Doc. 13). It was therefore found that Plaintiff received constructive notice of the filing of Defendants' motion upon service with the same at Plaintiff's last known address. (Doc. 21). It was further found that "[i]nasmuch as he has been served with the motion, his lack of a response in opposition can only be considered to be a failure to diligently prosecute his action as required by Rule 41(b)." *Id.*